

**Adjournment**

On motion of Senator Lane, the Senate, at 11:20 o'clock a. m., adjourned until 11:00 o'clock a. m. tomorrow.

**FOURTEENTH DAY**

(Tuesday, January 30, 1945)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Chadick	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Winfield
Martin	York
Metcalf	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senators Mauritz and Weinert were granted leaves of absence for today on account of illness, on motion of Senator Lanning.

Senators Shivers and Kelley were granted leaves of absence for today and indefinitely on account of important business, on motion of Senator Lanning.

**Senate Bills on First Reading**

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Stanford:

S. B. No. 92, A Bill to be entitled An Act directing and authorizing the Comptroller to transfer Eight Hundred Thirty-eight Dollars and Forty-

one Cents (\$838.41) from the Suspense Fund to the General Revenue Fund; Ninety-one Dollars and Fifty-eight Cents (\$91.58) from the National Guard Fund to the General Revenue Fund; and Seven Hundred Twenty-two Dollars and Three Cents (\$722.03) from the Unorganized Counties Tax Fund to the General Revenue Fund; and providing that the Comptroller, with the consent and approval of the State Auditor and Efficiency Expert and the State Treasurer, may transfer dormant funds to the General Revenue under certain circumstances; and that when such transfers are made to the General Fund, the same may be subject to appropriation by the Legislature for a refund, and declaring an emergency.

To the Committee on Finance.

By Senator Carney:

S. B. No. 93, A Bill to be entitled An Act specifying the time when fresh water fishes may be taken; limiting the numbers of certain fresh water fishes that may be taken and possessed; fixing size limits to govern the taking and retention of fresh water fishes; repealing all local, special or general laws in so far as they fix a closed season on fishing or using artificial lures, regulate the size of fish that may be taken or the number that may be taken, and repealing all laws or parts of laws in conflict herewith, excepting regulations made under, and the provisions of, Chapter 213, House Bill 654, Regular Session, 48th Legislature, fixing a suitable penalty for violation of any provision of this Act; and declaring an emergency.

To Committee on Game and Fish.

By Senator Carney:

S. B. No. 94, A Bill to be entitled An Act providing for the recitation of the State's free royalty interest in oil, gas and mineral leases covering lands in which the State of Texas owns only a free royalty interest, and for the filing of such leases in the General Land Office; and declaring an emergency.

To Committee on Public Lands and Land Office.

By Senator Morris:

S. B. No. 95, A Bill to be entitled An Act amending subsections (j)

and (n) of Section 7 of Chapter 13, Acts of the Third Called Session of the 42nd Legislature, as amended by Section 6 of S. B. No. 89, Chapter 324, Acts of the Regular Session of the 48th Legislature; making an appropriation for the biennium beginning September 1, 1945, and ending August 31, 1947, of moneys coming into the County and Road District Highway Fund; establishing a sequence for appropriations from said Fund for each year thereafter; providing for the reimbursement of certain counties, road districts or defined road districts for certain payments made by them on eligible bonds, warrants or other evidence of eligible indebtedness; requiring the Board of County and District Road Indebtedness to keep minutes of its proceedings and to submit semi-annual reports on or before June 30th and December 31st of each year to each county with respect to the funds credited to such county; permitting certain representatives of any county to inspect the records of said Board and of the State Treasurer; and declaring an emergency.

To Committee on State Affairs.

By Senator Chadick;

S. B. No. 96, A Bill to be entitled An Act providing a tax receipt regularly issued by a person authorized to do so shall be admitted in evidence in any Court action wherein payment of the tax receipted for is at issue and shall constitute a full defense to any action to collect such tax, and declaring an emergency.

To Committee on Civil Jurisprudence.

By Senator Chadick:

S. B. No. 97, A Bill to be entitled An Act ordering and authorizing the State Board of Control to convey to the Board of Directors of the Agricultural and Mechanical College of Texas for the use of the State Agricultural Experiment Station Sweet Potato Laboratory at Gilmer, Upshur County, approximately 81 acres of land, a part of the lands formerly used by the State Colored Orphans and reserving the mineral interest for the benefit of the Deaf, Dumb and Blind Asylum and Colored Orphans at Austin, and declaring an emergency.

To Committee on State Affairs.

By Senator Chadick:

S. B. No. 98, A Bill to be entitled An Act appropriating the sum of \$250.00 or so much thereof as may be necessary to satisfy, according to the terms thereof, the judgment rendered against the State of Texas, in favor of C. O. Keiffer, in Cause No. 1405, in Justice Peace Court, Precinct No. 2, Wood County, Texas; such judgment having become final and no appeal taken therefrom by any party to the action; and declaring an emergency.

To Committee on Public Debts, Claims and Accounts.

By Senator Stone:

S. B. No. 99, A Bill to be entitled An Act making an appropriation of Two Hundred and Fifty (\$250.00) Dollars out of the Confederate Pension Fund to pay the claim of The Freeport National Bank, Freeport, Texas, evidenced by certain warrants drawn against said fund and duly assigned to said bank by the respective persons to whom they were issued and which warrants cannot now be paid by the State Treasurer because of the limitation provision for the presentment for payment contained in Article 4371, Revised Civil Statutes, as amended, upon approval by the Comptroller of Public Accounts and the Attorney General; and declaring an emergency.

To Committee on Public Debts, Claims and Accounts.

#### Senate Joint Resolution 6 on First Reading

The following resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senators Chadick, Moffett and Jones:

S. J. R. No. 6, Providing an Amendment to Section 51b of Article III of the Constitution of the State of Texas so as to increase old-age assistance payments so as not to exceed twenty dollars (\$20.00) per month; providing for an election on the question of the adoption or rejection of such an Amendment and making an appropriation therefore; providing for the proclamation and publication thereof, and prescribing the form of ballot.

• **Message from the Governor**

The following message, received from the Governor today, was laid before and read to the Senate at this time:

Austin, Texas,  
January 29, 1945.

To the Members of the Forty-ninth Legislature:

I submit for your consideration as an emergency matter, under the authority of Section 5, Article III of the Constitution, the following subject of legislation:

Authorizing and granting power and authority to the Board of Regents of the State Teachers Colleges, State of Texas, for the use and benefit of the Sam Houston State Teachers College, Huntsville, Texas, to manufacture munitions of war for the United States Government.

Respectfully submitted,  
COKE R. STEVENSON,  
Governor of Texas.

**Presentation of Mr. and Mrs.  
James R. Record**

Senator Martin, by unanimous consent and in accordance with S. R. No. 25, adopted on yesterday, presented to the Senate at this time Mr. and Mrs. James R. Record of Tarrant County, Texas.

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
January 30, 1945.

Hon. John Lee Smith,  
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. C. R. No. 12, Expressing regret upon the passing of Constantine Oumansky, Russian Ambassador to Mexico.

H. C. R. No. 13, Inviting Lieutenant Colonel Gerald A. (Jerry) Sadler to address a Joint Session of the Legislature on January 31, 1945, at 11:45 a.m.

H. C. R. No. 14, Authorizing the Enrolling Clerk to correct typographical error in House Bill No. 3.

The House has concurred in Senate

amendments to House Bill No. 3 by vote of 134 ayes and no noes.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk House of Representatives.

**House Concurrent Resolution 13**

On motion of Senator Taylor, and by unanimous consent, the following resolution, received from the House today, was laid before the Senate for consideration at this time:

H. C. R. No. 13, Inviting Lieutenant Colonel Gerald A. Sadler to address a joint session of the Legislature on January 31, 1945.

Whereas, Lieutenant Colonel Gerald A. (Jerry) Sadler, who was former Railroad Commissioner of the State of Texas, and who resigned said high position for the purpose of entering the military service of his country in the present World War, and who is now in the City of Austin, Texas, after twenty-seven (27) months of distinguished military service in the Country of Iran, and has received numerous citations as a result of such service, as well as the the highest medal awarded by the Russian Government; and

Whereas, It will be a distinguished honor for the Legislature of the State of Texas while in Joint Session to have the pleasure of hearing Lieutenant Colonel Gerald A. Sadler appear in person before said joint session; now therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, that the Honorable Lt. Col. Gerald A. Sadler be invited to address said Legislature in Joint Session in the House of Representatives Chamber on January 31, 1945, at 11:45 a. m. on any subject or subjects he might choose.

The resolution was read and was adopted.

**Committee Substitute Senate  
Resolution 9**

The President laid before the Senate for consideration at this time the following resolution (the resolution having been reported by the Committee on Rules on Friday, January 26, 1945):

C. S. S. R. No. 9, Providing for

permanent rules of the Senate of the 49th Legislature.

Be it resolved by the Senate of the State of Texas:

The Permanent Senate Rules of the Forty-eighth Legislature are adopted hereby as the Permanent Rules of the Forty-ninth Legislature save and except that Rule 61 shall read hereafter as follows:

"Rule 61. A motion to reconsider shall be decided by a majority vote if the original question voted upon required a majority vote for its adoption;

"If the original question voted upon required a two-thirds vote for its adoption, a two-thirds vote shall be required to reconsider;

"If the original question voted upon required a four-fifths vote for its adoption, a four-fifths vote shall be required to reconsider."

The resolution was read second time.

Senator Metcalfe offered the following amendment to the resolution:

Amend C. S. S. R. 9, by striking out all of lines 10, 11, 12, 13, 14, 15, 16, and 17.

The amendment was adopted by the following vote:

Yeas—20

Aikin	Lane
Brown	Martin
Bullock	Metcalf
Carney	Morris
Chadick	Parrish
Crawford	Spears
Graves	Stanford
Hazlewood	Sulak
Jones	Vick
Knight	Winfield

Nays—7

Lanning	Stone
Moffett	Taylor
Moore	York
Ramsey	

Absent—Excused

Kelley	Shivers
Mauritz	Weinert

Senator Moffett offered the following amendment to the resolution:

Amend S. R. No. 9 as follows: "Amend Rule 14 pertaining to the order of business on calendar Wednesdays and Thursdays, by changing

the order of business on those days so that House Concurrent Resolutions will be considered immediately following the consideration of House Joint Resolutions."

On motion of Senator Taylor, the amendment was tabled.

Senator Morris offered the following amendment to the resolution:

Amend Senate Resolution Number 9 by striking out all of Rule 87 and inserting in lieu thereof the following: "Nominations shall be acted on in open session and the vote thereof shall be recorded in the Senate Journal;" and by striking out all of Rules 89, 90 and 91.

MORRIS  
RAMSEY  
METCALFE  
AIKIN  
CHADICK  
LANE  
VICK  
CARNEY  
STANFORD  
BROWN

Senator Lanning moved to commit the resolution to the Committee on Rules.

Senator Morris moved to table the motion to commit.

Question being first put on the motion to table, it was lost by the following vote:

Yeas—11

Aikin	Lane
Brown	Metcalf
Carney	Morris
Chadick	Ramsey
Crawford	Winfield
Jones	

Nays—16

Bullock	Parrish
Graves	Spears
Hazlewood	Stanford
Knight	Stone
Lanning	Sulak
Martin	Taylor
Moffett	Vick
Moore	York

Absent—Excused

Kelley	Shivers
Mauritz	Weinert

Question being next put on the motion to commit, it prevailed.

**Notice Given**

Senator York gave notice he would on tomorrow ask for an executive session of the Senate to be held at 12:20 o'clock p. m. on that day.

**Adjournment**

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

**Yeas—14**

Aikin	Jones
Brown	Lane
Bullock	Morris
Carney	Stanford
Chadick	Taylor
Crawford	Vick
Graves	Winfield

**Nays—13**

Hazlewood	Parrish
Knight	Ramsey
Lanning	Spears
Martin	Stone
Metcalfe	Sulak
Moffett	York
Moore	

**Absent—Excused**

Kelley	Shivers
Mauritz	Weinert

The Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**FIFTEENTH DAY**

(Wednesday, January 31, 1945)

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Lanning
Brown	Martin
Bullock	Metcalfe
Carney	Moffett
Chadick	Moore
Crawford	Morris
Graves	Parrish
Hazlewood	Ramsey
Jones	Spears
Knight	Stanford
Lane	Stone

Sulak  
Taylor  
Vick

Weinert  
Winfield  
York

A quorum was announced present.

The Reverend J. E. Chester, Chaplain offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Mauritz was granted leave of absence for today on account of illness on motion of Senator Lanning.

Senators Kelley and Shivers were granted leaves of absence for today and indefinitely on account of important business on motion of Senator Metcalfe.

**Reports of Standing Committees**

Senator Metcalfe submitted the following reports:

Austin, Texas  
January 31, 1945

Hon. John Lee Smith, President of the Senate.

Dear Sir: We, your Committee on Highways and Motor Traffic to whom was referred Senate Bill No. 85 by Metcalfe have had same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Austin, Texas  
January 31, 1945

Hon. John Lee Smith, President of the Senate.

Dear Sir: We, your Committee on Highways and Motor Traffic to whom was referred Senate Bill No. 84 by Metcalfe have had same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

Senator Taylor submitted the following report: